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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROGER WORKING,
Plaintiff,

vs.

BLACK & DECKER (U.S.) INC., a corporation;
PORTER-CABLE CORPORATION, a corporation;
PENTAIR TOOL AND EQUIPMENT SALES CO., a
corporation,

Defendants.

NO. C05-01398 JSW

SUPPLEMENTAL JOINT CASE
MANAGEMENT STATEMENT RE
DISCOVERY PLAN AND ~~DISCOVERY~~
ORDER

Plaintiff Roger Working ("Plaintiff") and Defendants Black & Decker (U.S.) Inc. and Porter-Cable Corporation ("collectively Defendants") jointly submit this Supplemental Joint Case Management Statement
Re: Discovery Plan and [Proposed] Order.

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DISCOVERY PLAN

Pursuant to Judge White's Order Setting Case Management Conference, the parties jointly submit the following plan of discovery in this matter.

[A formal agreed-upon plan of the discovery each party intends to pursue, including, but not limited to, based upon the nature of the case, the scope and duration of the discovery and whether the parties can limit discovery in any manner, such as using phased discovery to or limiting the scope of initial discovery matters, as well as a list of key witnesses who the parties deem essential to prove their claims or defenses, and the information each party deems essential to obtain from the other party to prove their claims or defenses.]

I. Discovery Plan

a. First Phase of Discovery

Each party shall exchange written discovery as follows:

1. Request For Production of Documents to each party not to exceed one hundred (100) requests.
2. Interrogatories to each party not to exceed twenty (20) questions.
3. Request for Admissions to each party not to exceed fifteen (15) requests.
4. Request For Production of Documents to third persons not to exceed fifty (50) requests.

b. Second Phase of Discovery

Each party shall exchange additional written discovery following one round of written discovery and follow Plaintiff's deposition:

1. Request For Production of Documents to each party not to exceed and additional fifty (50) requests for a maximum request of one hundred and fifty (150).
2. Interrogatories to each party not to exceed an additional ten (10) questions for a maximum of thirty (30) questions.
3. Request for Admissions to each party not to exceed ten (10) questions for a maximum of twenty-five (25) requests.
4. Request For Production of Documents to third persons not to exceed fifty (50) requests.

1 **II. Key Witnesses**

2 The parties agree to take ten (10) depositions per party, excluding experts. The parties shall seek a
3 Joint Stipulation or leave of Court to exceed ten depositions per party.

4 a. Plaintiff's Key Witnesses

- 5 1. Claude Kelly. Vice President of Human Resources and Defendant Porter Cable.
6 2. Eddie Macias. Defendant Black & Decker employee.
7 3. Wendy Carr. Defendant Black & Decker hired Right Management Consultants.
8 4. Edwin Dale. Defendant Black & Decker employee.
9 5. Blake Williams. Defendant Black & Decker employee.
10 6. Terri Bosley. Defendant Black & Decker employee.
11 7. Plaintiff

12 Discovery has just begun. Plaintiff's key witnesses may vary. However, Plaintiff has provided
13 an extensive list of possible witnesses in his Rule 26 Initial Disclosures.

14 b. Defendants' Key Witnesses

- 15 1. Claude Kelly. Director of Human Resources Industrial Products Group, Black &
16 Decker.
17 2. Robert Eichelberg. Former Regional Sales Manager, Porter-Cable Delta.
18 3. Kirk Figan. Former Vice President of Sales, Porter-Cable Delta.
19 4. Terri Bosley. Human Resources, Black & Decker.
20 5. Mike Strickland. Vice President of Sales, Black & Decker.
21 6. Edwin Dale. Former Human Resources Manager, Porter-Cable Delta.

22 Discovery is in the preliminary stages. Defendants may add or vary key witnesses as additional
23 information becomes available.

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III. Information the Parties Seek to Obtain to Prove their Claims or Defenses

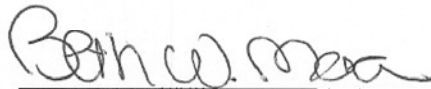
a. Plaintiff seeks to obtain information pertaining the Plaintiff's "lay-off", standards for lay-off, the ages, titles, years of employment and names of persons laid off and those who remained employees. Plaintiff seeks information as to how Plaintiff was chosen for lay-off. Plaintiff also seeks to obtain information pertaining to his wage claim for unpaid vacation pay as to Plaintiff and Defendant's policies and procedures. Plaintiff also seek to obtain information that supports and/or refutes all Affirmative Defenses asserted by Defendant in their Answer on file with the Court. Plaintiff may seek additional information, as discovery has not officially begun as of yet.

b. Defendants seek to obtain information that supports and/or refutes all claims asserted in Plaintiff's Complaint dated April 5, 2005.

DATED:

8/15/05

By:



BETH W. MORA
LAW OFFICES OF LUCIUS A. COOPER
Attorneys for Plaintiff

DATED:

8/15/05

By:



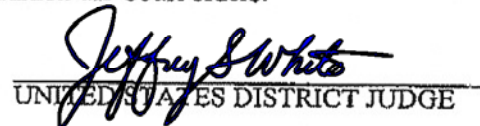
AMANDA C. SOMMERFELD
WINSTON & STRAWN LLP
Attorneys for Defendants

DISCOVERY PLAN ORDER

The Discovery Plan is hereby adopted by the Court as the Discovery Plan Order for the case and the parties are ordered to comply with this Order. In addition the Court orders:

DATED: August 16, 2005

By:


UNITED STATES DISTRICT JUDGE